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VIA ECF

May 19, 2022

Hon. Nelson S. Roman  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: USA v. Matityau Moshe Malka; 19 CR 497 (NSR)

Dear Judge Roman:

I am writing as stand-by counsel on behalf of Matityau Moshe Malka to respond to the Government's motion to admit jail visiting records showing that he visited his brother-in-law Nachman Helbrans several times during the period between January and March 2019. Mr. Malka objects pursuant to Rule 401 and 403 upon the grounds that these records are not relevant or minimally relevant. Further, the admission of these records would cause undue prejudice, confuse the jury and mislead them and cause them to speculate.

The records do not prove any improper communications between Malka and Helbrnas or corroborate any other specific item of evidence. They just indicate an association between Malka and his brother in law. A jury will be prejudiced by this general proof of association with an incarcerated defendant. Further by this admission the jury will be caused to speculate as to what if anything was said between Malka and his brother in law during these jail visits without any evidentiary basis that there were relevant and material improper communications. The circumstances in the Saleme case cited by the Government are different since it involved a single visit on a relevant day certain and was connected with a specific relevant item of evidence.

Respectfully submitted,

/S/ Joseph A. Vita

Joseph A. Vita  
Stand by Counsel to Matityau Moshe Malka